

REMARKS

Claims 1-11 are pending in the application. In view of the following remarks, Applicant respectfully requests that all claims be examined.

Also, since Figure 1 and Figure 3 go together, Figure 3 just being a perspective view, applicant elects Figure 3 to be examined with Figure 1.

Requirement to Elect Species

In response to the election of species requirement, Applicants elect the species comprising Figure 1. In addition, Figures 2, 4, and 5 are clearly generic to all species and should be included.

Claims 1, 2, 5, 6 and 9 read on the elected species. The Examiner made the statement that no claim is considered generic. Applicant disagrees. Applicant believes that claims 1, 2, 5, 6 and 9 are generic to all species.

Applicants traverse the election of species requirement. Figure 1 is a diagram showing the principle of the holographic recording and reproducing in one embodiment. Figure 3 is a perspective view of Fig. 1 in a first embodiment. Therefore, Figures 1 and 3 should be within the same species.

Figure 1 shows that one surface of the reflective layer 101d in contact with the intermediate layer 101c serves as a reflective surface and the reflective surface is formed with a convex pattern 103. Figure 3 is a perspective view showing a convex pattern formed on a track.

Figure 6 is a perspective view showing another embodiment of Figure 1. It is also a perspective view of Fig. 1, but a different embodiment. The convex pattern of Figure 6 is constituted as a band-like land 601 extending in the direction of the track.

It is admitted that Figs. 3 and 6 are different embodiments. However, an election between the two is believed to be improper. Claims 1, 2, 5, 6 and 9 read on both Figures 3 and 6. Each of these claims is considered generic to both figures. Thus, an election is improper as between these two species.

Figure 7 shows the principle of the holographic recording and reproducing in one embodiment. As shown in Figure 7, a holographic recording medium 101 has the

same configuration as that of the holographic recording medium 101 shown in Figure 1 except that a concave pattern 701 is formed on the reflective surface 101f.

Referring now to claim 1, as compared to each figure, each of the convex patterns in Figures 1 and 3, in Figure 6, and the concave pattern 701 in Figure 7, and reflection region 101g in Figure 8 corresponds to a "beam spot incidence region" as recited in claim 1. In addition, each of the inclined surface 301b in Figure 3, inclined surface 601b in Figure 6, inclined surface 701b in Figure 7, and the filter region 101h in Figure 8 corresponds to a "filter region" as recited in claim 1. Accordingly, for at least these reasons, Applicants respectfully submit that claims 1, 5 and 9 are all generic claims to all species. Further, they read on each of Figures 1-8. The election of species requirement is improper.

At most this should only be a two way election of species as between Figures 1-7 and 8. Further, the generic claims read on all Figures so there should be no election or restriction at all.

Applicants believe this is a highly improper election of species requirement to do a five way species election when four of the species all read on the same claims and the same Figures. The client has instructed Applicants to file this traverse and file a petition if the traverse is not accepted. Accordingly, Applicants' attorney wishes to provide to the Examiner the courtesy of letting them know that the client has requested that a petition be filed in the event the Examiner continues to maintain the current election of species as being proper.

Conclusion

Applicants respectfully submit that all pending claims are in condition for allowance. Accordingly, Applicants request that a Notice of Allowance be issued. If the Office's next anticipated action is to be anything other than a Notice of Allowance, Applicants request that the undersigned be contacted for scheduling a telephone interview.

Application No. 10/782,072

Reply to Office Action dated October 23, 2006

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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